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10/765,111	01/28/2004	Gary N. Schneider	23872.00	9701
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LITMAN LAW OFFICES, LTD. P.O. BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			FERKTIG, BRIAN E	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/765,111	<b>Applicant(s)</b> SCHNEIDER, GARY N.
	<b>Examiner</b> Brian Fertig	<b>Art Unit</b> 3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on **28 January 2004**.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) **1-20** is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) **1-20** is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date **1/28/2004**

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claim 20 is objected to because of the following informalities. Appropriate correction is required.

With respect to claim 20

This claim recites the computer useable medium according to claim 7. Such a recitation would make claim 20 essentially duplicative of claim 13. Judging by the structure of the claims, taken as a whole, applicant appears to have meant for claim 20 to depend on claim 19. For the purposes of examination below, it is assumed that claim 20 is meant to depend on claim 19.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1, 7, and 14

These claims recite utilizing data from primary data files, preliminary data, stored data, and data input manually. Applicant's disclosure fails to define these types of data in such a way as to demonstrate their patentable difference over generic

data. For the purpose of examination below, these recitations are treated cumulatively as generic data.

Further, these claims recite an executing step, several utilizing steps, and a determining step, but fail to teach how these steps are interrelated so as to arrive at the determination of remaining financial obligations of assets.

With respect to claims 2, 8, and 15

These claims recite utilizing data from a Customer File, a Lessor File, a Maintenance Provider File, a Manufacturer File, a Reseller File, an Asset Type File, and an Asset File. Applicant's disclosure fails to define these types of files in such a way as to demonstrate their patentable difference over a generic file. For the purpose of examination below, these recitations are treated cumulatively as a generic file.

With respect to claims 3-5, 9-11, and 16-18

These claims recite utilizing data associated with particular fields. Applicant's disclosure fails to define these types of fields in such a way as to demonstrate their patentable difference over a generic field. For the purpose of examination below, these recitations are treated cumulatively as a generic field.

With respect to claim 6, 12 and 19

These claims recite a series of determining steps. Applicant's claims fail to demonstrate how these determination steps interrelate to further the goal of determining the remaining financial obligations of assets.

With respect to claims 13 and 20

These claims are rejected for incorporating the subject matter rejected above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2003/0046199 (Murase) in view of Official Notice.

With respect to claim 1

Murase teaches:

A method to determine remaining financial obligations of assets,  
said method comprising:  
executing ASSET FINANCIAL RESTRUCTURING software (see  
par 20, note that it is implicit that the asset financial restructuring software  
be present and executed since the processing device is envisioned to be a  
computer);

utilizing data (see par 23, Note also that the data files are being  
treated cumulatively as generic data, see 35 U.S.C. 112, second  
paragraph rejection above); and

determining the remaining financial obligation value of leased  
assets and the book value of financed or depreciated assets (see par 30,

31, and 35 for determining the remaining financial obligation and see par 28 for determining the book value of the assets, and fig 2, generally).

Murase does not explicitly teach utilizing data from primary, preliminary, stored, and input sources.

Examiner takes Official Notice that is it old and well known in the art to use information sources having the necessary data inputs in order to make determinations. For example, if one wanted to determine the voltage across a particular component ( $V=IR$ ), it would be well known to utilize a source, file, or data field having information regarding the appropriate electrical current (I) and resistance ( R ).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have used the terminal and computer executable medium to execute asset financial restructuring software, used data from appropriate sources as taught by Official Notice, and perform determination steps and alerting steps in order to facilitate alteration of a lease before the scheduled end of the lease as taught explicitly by Murase (see par 3) and Official Notice.

With respect to claim 2

Murase as modified by Official Notice teaches:

The method according to claim 1 (see rejection of claim1 above), wherein the utilizing data from primary data files step further comprises utilizing data from

a Customer File,

a Lessor File,

a Maintenance Provider File,

a Manufacturer File,

a Reseller File,

an Asset Type File, and

an Asset File (see par 23 and 26, describing the sources of data

and Official Notice. Note also that the data files are being treated

cumulatively as generic data file, see 35 U.S.C. 112, second paragraph

rejection above)

(see rationale supporting obviousness of claim 1)

With respect to claim 3

Murase as modified by Official Notice teaches:

The method according to claim 1 (see rejection of claim 1 above), wherein the utilizing data from preliminary data step further comprises utilizing data from a data associated with the fields PRESENT VALUE RATE, DEAL YIELD, RESIDUAL VALUE UPLIFT, END OF TERM WARNING, USER NAME, DEPRECIATION TERM, and USER COMPANY (see Murase par 23 and 26 and Official Notice. Note 35 U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 4

Murase as modified by Official Notice teaches:

The method according to claim 1 (see rejection of claim 1 above), wherein the utilizing data from stored data step further comprises utilizing data associated with fields TERM USED, TERM REMAINING, MINIMUM TERM REMAINING, MAXIMUM TERM REMAINING, AVERAGE DEAL TERM, ESTIMATED RESIDUAL VALUE, UPLIFTED RESIDUAL VALUE, TERMINATION VALUE, and BOOK VALUE (see par 23 and 26 and 35 and Official Notice. Note U.S.C. 112, second paragraph rejection above).  
(see rationale supporting obviousness of claim 1)

With respect to claim 5

Murase as modified by Official Notice teaches:

The method according to claim 1 (see rejection of claim 1 above), wherein the utilizing data that is input manually further comprises utilizing data associated with fields ASSET TYPE, ASSET FLAG, DEAL DATE, PRICE, LEASE FLAG, DEAL TERM, DEAL PAYMENT (depreciation override), DEAL MAINTENANCE, ASSET MANUFACTURER, ASSET MODEL, ASSET NUMBER, CUSTOMER NAME, and ASSET QUANTITY (see par 23 and 26 and 35 and Official Notice. Note U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 6

Murase as modified by Official Notice teaches:

The method according to claim 1 (see rejection of claim 1 above), wherein the determining the remaining book value of assets that are financed or depreciated step further comprises

determining a TERM USED in months for an asset;

determining a TERM REMAINING for an asset;

determining a MINIMUM and MAXIMUM TERM REMAINING for the asset; determining an AVERAGE TERM for the asset;

determining an ESTIMATED RESIDUAL VALUE for the asset;

determining an UPLIFTED RV for the asset;

determining a TERMINATION VALUE for the asset;

determining a FINANCE RATE for a the asset;

determining a REMAINING BOOK VALUE for the asset; and

determining a TOTAL REMAINING OBLIGATION for the asset (see par 28-36).

(see rationale supporting obviousness of claim 1)

With respect to claim 7

Murase as modified by Official Notice teaches:

An ASSET FINANCIAL RESTRUCTURING software system to determine the remaining financial obligation value of assets, said system comprising: a computer useable medium (see par 20, note that it is implicit that the digital computer have a computer useable medium in order to perform its calculation functions); and

a computer device having a processing unit (see par 20);  
wherein said computer useable medium carries thereon software, which,  
when executed by the processing unit, causes the processing unit to carry  
out steps comprising:

executing the ASSET FINANCIAL RESTRUCTURING  
software (see par 20, note that it is implicit that the asset financial  
restructuring software be present and executed since the  
processing device is envisioned to be a computer);

utilizing data from primary data files;  
utilizing data from preliminary data;  
utilizing data from stored data;  
utilizing data that is input manually (see par 23 and Official  
Notice, note 35 U.S.C. 112, second paragraph rejection above);  
and

determining the remaining financial obligation value of  
leased assets and the book value of financed or depreciated assets  
(see par 30, 31, and 35 for determining the remaining financial  
obligation and see par 28 for determining the book value of the  
assets, and fig 2, generally).

(see rationale supporting obviousness of claim 1)

With respect to claim 8

Murase as modified by Official Notice teaches:

The system according to claim 7 (see rejection of claim 7 above), wherein said utilizing data from primary data files step further comprises utilizing data from

- a Customer File,
- a Lessor File,
- a Maintenance Provider File,
- a Manufacturer File,
- a Reseller File,
- an Asset Type File, and
- an Asset File (see par 23 and 26, describing the sources of data and Official Notice. Note 35 U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 9

Murase as modified by Official Notice teaches:

The system according to claim 7 (see rejection of claim 7 above), wherein said utilizing data from preliminary data step further comprises utilizing data from a data associated with the fields

PRESENT VALUE RATE,

DEAL YIELD,

RESIDUAL VALUE UPLIFT,

END OF TERM WARNING,

USER NAME,

DEPRECIATION TERM, and

USER COMPANY (see par 23 and 26 and 35 and Official Notice.

Note U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 10

Murase as modified by Official Notice teaches:

The system according to claim 7 (see rejection of claim 7 above), wherein said utilizing data from stored data step further comprises utilizing data associated with fields

TERM USED,

TERM REMAINING,

MINIMUM TERM REMAINING,

MAXIMUM TERM REMAINING,

AVERAGE DEAL TERM,

ESTIMATED RESIDUAL VALUE,

UPLIFTED RESIDUAL VALUE,

TERMINATION VALUE, and

BOOK VALUE (see par 23 and 26 and Official Notice. Note 35 U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 11

Murase as modified by Official Notice teaches:

The system according to claim 7 (see rejection of claim 7 above), wherein  
said utilizing data that is input manually further comprises utilizing data  
associated with fields

ASSET TYPE,

ASSET FLAG,

DEAL DATE,

PRICE,

LEASE FLAG,

DEAL TERM,

DEAL PAYMENT (depreciation override),

DEAL MAINTENANCE,

ASSET MANUFACTURER,

ASSET MODEL,

ASSET NUMBER,

CUSTOMER NAME, and

ASSET QUANTITY (see par 23 and 26 and Official Notice. Note 35  
U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 12

Murase as modified by Official Notice teaches:

The system according to claim 7 (see rejection of claim 7 above), wherein said determining the remaining book value of assets that are financed or depreciated step further comprises:

    determining a TERM USED in months for an asset;  
    determining a TERM REMAINING for the asset;  
    determining a MINIMUM and MAXIMUM TERM REMAINING for the asset;  
    determining an AVERAGE TERM for the asset;  
    determining an ESTIMATED RESIDUAL VALUE for the asset;  
    determining an UPLIFTED RV for the asset;  
    determining a TERMINATION VALUE for the asset;  
    determining a FINANCE RATE for the asset;  
    determining a REMAINING BOOK VALUE the asset; and  
    determining a TOTAL REMAINING OBLIGATION for the asset (see par 28-36).

(see rationale supporting obviousness of claim 1)

With respect to claim 13

Murase as modified by Official Notice teaches:

The system according to claim 12 (see rejection of claim 12 above), wherein said determining a TERM REMAINING for a leased asset further comprises:

    comparing the TERM USED with an END OF TERM (EOT), and

displaying an EOT warning on a display if the TERM USED is lower than the END OF TERM (see par 28-36, 45-46, and fig 3A. Note that displaying the contents of fig 3A on the terminal disclosed in par 45-46 would warn a user that the TERM USED is lower than the END OF TERM by virtue of the dashed line at year 3 and the abrupt change in slope of the a' line).

(see rationale supporting obviousness of claim 1)

With respect to claim 14

Murase as modified by Official Notice teaches:

A computer useable medium carrying ASSET FINANCIAL  
RESTRUCTURING software which, when executed by a processing unit,  
causes the processing unit to carry out steps comprising:

utilizing data from primary data files;  
utilizing data from preliminary data;  
utilizing data from stored data;  
utilizing data that is input manually (see Murase par 23 and  
Official Notice, note 35 U.S.C. 112, second paragraph rejection  
above); and

determining the remaining financial obligation value of  
leased assets and the book value of financed or depreciated assets  
(see par 30, 31, and 35 for determining the remaining financial

obligation and see par 28 for determining the book value of the assets, and fig 2, generally).

(see rationale supporting obviousness of claim 1)

With respect to claim 15

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 14, wherein said utilizing data from primary data files step further comprises utilizing data from

- a Customer File,
- a Lessor File,
- a Maintenance Provider File,
- a Manufacturer File,
- a Reseller File,
- an Asset Type File, and
- an Asset File (see par 23 and 26, describing the sources of data and Official Notice. Note 35 U.S.C. 112, second paragraph rejection above)..

(see rationale supporting obviousness of claim 1)

With respect to claim 16

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 14 (see rejection of claim 14 above), wherein said utilizing data from preliminary data step further comprises utilizing data from a data associated with the fields

PRESENT VALUE RATE,

DEAL YIELD,

RESIDUAL VALUE UPLIFT,

END OF TERM WARNING,

USER NAME,

DEPRECIATION TERM, and

USER COMPANY. (see par 23 and 26 and Official Notice. Note 35 U.S.C. 112, second paragraph rejection above)

(see rationale supporting obviousness of claim 1)

With respect to claim 17

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 14 (see rejection of claim 14 above), wherein said utilizing data from stored data step further comprises utilizing data associated with fields

TERM USED,

TERM REMAINING,

MINIMUM TERM REMAINING,

MAXIMUM TERM REMAINING,

AVERAGE DEAL TERM,

ESTIMATED RESIDUAL VALUE,  
UPLIFTED RESIDUAL VALUE,  
TERMINATION VALUE, and  
BOOK VALUE. (see par 23 and 26 and 35 U.S.C. 112, second  
paragraph rejection above)

(see rationale supporting obviousness of claim 1)

With respect to claim 18

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 14, wherein said  
utilizing data that is input manually further comprises utilizing data  
associated with fields

ASSET TYPE,  
ASSET FLAG,  
DEAL DATE,  
PRICE,  
LEASE FLAG,  
DEAL TERM,  
DEAL PAYMENT (depreciation override),  
DEAL MAINTENANCE,  
ASSET MANUFACTURER,  
ASSET MODEL,  
ASSET NUMBER,

CUSTOMER NAME, and

ASSET QUANTITY (see par 23 and 26 and Official Notice. Note 35  
U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 19

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 14 (see rejection of  
claim 14 above), wherein said determining the remaining book value of  
assets that are financed or depreciated step further comprises:

determining a TERM USED in months for an asset;

determining a TERM REMAINING for the asset;

determining a MINIMUM and MAXIMUM TERM REMAINING for  
the asset ;

determining an AVERAGE TERM for the asset;

determining an ESTIMATED RESIDUAL VALUE for the asset;

determining an UPLIFTED RV for the asset;

determining a TERMINATION VALUE for the asset;

determining a FINANCE RATE for the asset;

determining a REMAINING BOOK VALUE for the asset; and

determining a TOTAL REMAINING OBLIGATION for the asset.

(see par 28-36).

(see rationale supporting obviousness of claim 1)

With respect to claim 20

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 7 (assumed to refer to claim 19, see rejection of claim 19 above), wherein said determining a TERM REMAINING for the asset further comprises  
comparing the TERM USED with an END OF TERM, and  
displaying an EOT warning on a display if the TERM USED is lower than the END OF TERM. (see par 28-36, 45-46, and fig 3A. Note that displaying the contents of fig 3A on the terminal disclosed in par 45-46 would warn a user that the TERM USED is lower than the END OF TERM by virtue of the dashed line at year 3 and the abrupt change in slope of the a' line)

(see rationale supporting obviousness of claim 1)

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/  
Primary Examiner, Art Unit 3694